

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Racing Speed Associates, L.L.C. d/b/a ASA  
Racing,

Plaintiff,

v.

Louis R. Varney, Jr. and ASA Late Model  
Series, L.L.C.,

Defendants.

Civil Action No. 07-C-6785

Judge Matthew F. Kennelly  
Magistrate Judge Schenkier

**JOINT STATEMENT REGARDING PARTICIPATION IN THE  
VOLUNTARY MEDIATION PROGRAM FOR LANHAM ACT CASES**

The parties, through their respective counsel, being informed of the District Court for the Northern District of Illinois Voluntary Mediation Program for Lanham Act Cases, have discussed the matter in connection with the initial status conference guidelines of the Court. Counsel for the parties will not participate in the Court's mediation program at this time for the reasons stated below.

1. Counsel have agreed that they believe at least some discovery is necessary, and counsel would like to initially pursue limited discovery. Once that discovery is completed, counsel would be in a position to present the matter to the assigned Magistrate Judge for a formal settlement conference.

2. Counsel for the parties reasonably believe that a mutually acceptable settlement is in the best interests of the parties, but also believe that some discovery is essential in order to properly evaluate the respective positions of the parties and advise their clients accordingly.

3. Limited discovery should allow the factual issues to be narrowed and then permit the parties to focus on a definitive, mutually beneficial settlement of the matter.

/s/ Johanna Raimond

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*Date: February 18, 2008*

/s/ William L. Niro

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*Date: February 18, 2008*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Certification which was filed electronically with the Court through the Electronics Case Filing System on February 18, 2008 will be sent electronically to the following registered counsel of record as identified on the Notice of Electronic Filing ("NEF"):

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